IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 12387 of 2004

Between:

1 A.Subbayamma W/o. Subba Rao
Madaram Township I.V.T Tandoor, Bellampalli Adilabad District.
2 P.Suryanarayana S/o.Nancharayya
12-313, Gowtham Nagar Manchiryal Adilabad District.

..... PETITIONER(S)

AND

1 The Regional Transport Officer Manchirial, Adilabad District.
2 City Corporation Finance (India) Ltd., 102 Lakeshore Tower, Raj Bhavan Road Hyderabad 500082.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, especially one in the nature of writ of mandamus declaring the action of the 1st respondent in trying to transfer the vehicles without disposing of our representations dt.3.7.2004 submitted in pursuance of the show cause notice dt.25.6.2004, as illegal, intentional, malafide, arbitrary, opposed to law and consequently direct the 1st respondent not to transfer the vehicles bearing Nos.AP I U 6888 and AP IU 6894 without disposing of the representations Dt.3.7.2004 and pass.

Counsel for the Petitioners: MR.K.V.BHANU PRASAD, Advocate

Counsel for the Respondent No.1: GP FOR TRANSPORT

Counsel for the Respondent No.2: None appeared

The Court, at the admission stage, made the following :

HONOURABLE SRI JUSTICE K.C.BHANU

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W.P.No.12387 of 2004

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ORAL ORDER:

This writ petition is filed to declare the action of the 1st respondent in trying to effect the transfer of the petitioners' vehicles bearing Nos. AP 1U 6888 & AP 1U 6894 respectively in favour of the 2nd respondent-financier without disposing of the representations dated 3.7.2004 made by the petitioners, as illegal and arbitrary.

The learned counsel for the petitioners contended that the registered owner of the vehicle is alone competent to make an application to effect transfer of vehicle and the financier has no power to make an application to the 1st respondent to effect transfer of vehicle.

The learned Government Pleader for 1st respondent contended that the 1st respondent acts in accordance with the provisions of Motor Vehicles Act and Rules made thereunder.

The main grievance of the petitioners is that the 1st respondent is trying to transfer the vehicles of the petitioners without considering the representations made by them on 3.7.2004. The 1st respondent has to act in accordance with the provisions of the Motor Vehicles Act

and the Rules made thereunder while effecting transfer of vehicles from one person to another. There is no infringement or violation of any right of the petitioners as such. However, the representation of the petitioners said to have been made to the 1st respondent on 3.7.2004 is pending. Therefore, it is for the 1st respondent to take proper decision and consider the representations of the petitioners and pass appropriate orders in accordance with law.

In the circumstances, the writ petition can be disposed of with the following direction:

> *The 1st respondent shall take proper decision while considering the representations of the petitioners made on 3.7.2004 and pass appropriate orders in accordance with law.*

With the above direction, the writ petition is disposed of at the stage of admission. In the circumstances of the case, there shall be no order as to costs.

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(K.C.BHANU,J.)

16th July, 2004

bcj

To

1. The Regional Transport Officer, Manchirial, Adilabad District.
2. City Corporation Finance (India) Ltd., 102 Lakeshore Tower, Raj Bhavan Road, Hyderabad 500082.

3. Two C.Cs to the Government Pleader for Transport, High Court Buildings, Hyderabady (OUT).

4. Two C.D. copies.